

REMARKS

Claims 1-13 and 15 are pending. Claims 1 and 11 have been amended. In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

First, Applicant addresses the claim rejections under 35 U.S.C. 112, second paragraph. The examiner states that “vehicle seat” in claim 1 is indefinite because it is not positively recited in the preamble. Claim 1 has been amended to more clearly recite the “spring device” as the invention being claimed, as applied to a “vehicle seat.” The “vehicle seat” itself is not part of the invention claimed in claim 1.

The examiner also stated that the phrase “the volume in which the air to be compressed is reduced” is indefinite in claims 1 and 11. The claims have been amended to make clear that the claim is referring to the relative amounts of air volumes in two conditions, rather than an active reduction, by use of the term “less ... than” rather than “reduced.”

The examiner has rejected claims 1-5, 7, 11 and 15 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Re. 35,572 to *Lloyd, et al.* Applicant respectfully continues to traverse the examiner’s position in this regard.

The examiner states that *Lloyd, et al.* and the present application teach a “similar concept for providing comfort to a user when seating in [a] vehicle.” It is submitted that similarity of concept is not the correct standard for anticipation. The claims of the present patent do not read on the *Lloyd et al.* disclosure. That should be the sole test – not similarity of concept. In fact, *Lloyd et al.* does not involve the switching off of an additional volume of air, and it is simply incorrect to state that a valve (in *Lloyd et al.*) is the same as a switch. The valve in *Lloyd et al.* is

part of a control mechanism for introducing air into or out of an air spring; the switching in and out of an additional air volume in the present invention does not involve introducing air into or out of the air spring. The proof of this distinction is that the air/spring characteristics of the different modes are not the same in Lloyd et al. as in the present invention.

Since claim 1 and 11 should be allowable, claims 2-10, 12, 13 and 15 dependent thereon should also be allowable.

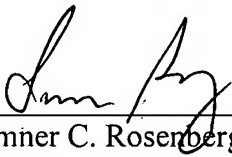
It is respectfully requested that the examiner reconsider his rejection in view of the above comment. In any case, it is requested that the amendment of the claims be entered to put the application in condition for appeal.

ATTORNEY DOCKET NO.: 08146.0001U1
Application No. 10/812,833

No fee is believed to be due; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

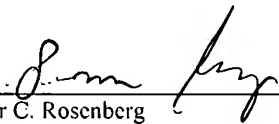
NEEDLE & ROSENBERG, P.C.


Sumner C. Rosenberg
Reg. No. 28,753

NEEDLE & ROSENBERG, P.C.
Customer Number 23859
(678) 420-9300
(678) 420-9301 (fax)

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence, including any items indicated as attached or included, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.


Sumner C. Rosenberg

9/19/07
Date